

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALEXANDER ROSENBLATT,	§	
#55609-177,	§	
Movant,	§	
	§	No. 3:21-cv-01561-M (BT)
v.	§	No. 3:17-cr-00202-M-1
	§	
UNITED STATES OF AMERICA,	§	
Respondent.	§	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Movant initiated this action by filing a motion to vacate, set-aside, or correct sentence under 28 U.S.C. § 2255. On December 27, 2022, the Court entered an order accepting the Magistrate Judge's Findings, Conclusions and Recommendation (FCR) and entered judgment. (Docs. 14, 15.) Movant then filed a motion seeking additional time to file objections. (Doc. 16.) On January 4, 2023, the Court granted Movant's motion, vacated its order of acceptance and the judgment, and directed Movant to file any objections by March 7. (Doc. 17.) Movant then filed a second motion seeking additional time within which to file objections to the FCR. (Doc. 18.) On March 9, the Court granted Movant's motion, and the deadline for him to file objections was extended to May 10. (Doc. 19.) Thereafter, Movant filed a third motion seeking additional time within which to file objections to the FCR. (Doc. 20.) Next, on May 22, the Court granted Movant's motion and directed him to file his objections by July 17. (Doc. 21.) The Court also advised Movant that "absent compelling circumstances, no additional extensions of time will be granted." *Id.* at 1. The July 17 deadline passed, and Movant failed to file any objections. Finally, on July 25, the Court received Movant's fourth motion seeking additional time within which to file objections to the FCR. (Doc. 24.) Two days later, the Court granted Movant's motion to the

extent that he was given until August 24 to file his objections. At that time, Movant was given the following warning: “**FURTHER EXTENSIONS ARE EXCEEDINGLY UNLIKELY TO BE GIVEN.**” Movant filed objections on August 29, which the Court treats as timely.

The Court has taken under consideration United States Magistrate Judge Rebecca Rutherford’s FCR dated November 28, 2022. (Doc. 12.) The Court has made a *de novo* review of those portions of the FCR to which objections were made, and has concluded the objections are not meritorious. **IT IS, THEREFORE, ORDERED** that the FCR of the United States Magistrate Judge is accepted, and the objections are overruled.

Considering the record in this case, the Court **DENIES** a certificate of appealability. The Court adopts and incorporates by reference the Magistrate Judge’s FCR filed in this case in support of its finding Movant has failed to show: (1) reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) reasonable jurists would find “it debatable whether the [motion] states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED this 13th day of September, 2023.


BARBARA M. G. LYNN
SENIOR UNITED STATES DISTRICT JUDGE